

DENNIS A. BARLOW, CITY ATTORNEY
State Bar No. 63849
CAROL A. HUMISTON, SR. ASST. CITY ATTY
State Bar No. 115592
275 East Olive Avenue
P. O. Box 6459
Burbank, CA 91510
Tel: 818-238-5707 Fax: 818-238-5724

Kristin A. Pelletier, (SBN 155378)
E-mail: kpelletier@bwslaw.com
Robert J. Tyson (SBN 187311)
E-mail: rtyson@bwslaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
Tel: 213.236.0600 Fax: 213.236.2700

Attorneys for Defendant
City of Burbank

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CHRISTOPHER LEE DUNN,

Plaintiff,

v.

BURBANK POLICE DEPARTMENT,
CITY OF BURBANK, and DOES 1
Through 100, Inclusive,

Defendants.

Case No. BC 417928

**DECLARATION OF GERARDO
MISQUEZ IN SUPPORT OF DEFENDANT
CITY OF BURBANK'S OPPOSITION TO
PLAINTIFF'S MOTION FOR DISCOVERY
OF PEACE OFFICER PERSONNEL
RECORDS**

Ex Parte Date: July 9, 2010
Time: 8:30 a.m.
Dept. 31

DECLARATION OF GERARDO MISQUEZ

I, Gerardo Misquez, hereby declare as follows:

1. I am a Sergeant with the Burbank Police Department ("BPD") and have been employed by that agency since 1995. From July 2006 to the present, I have been the Sergeant assigned to the Internal Affairs Division of the Burbank Police Department. Unless otherwise stated, I have personal knowledge of the matters stated herein and, if called as a witness, I could and would competently testify thereto.

2. I was the investigator assigned to investigate allegations of misconduct against Christopher Dunn. I interviewed Christopher Dunn twice during the investigation. Dunn claimed that he had written some notes about the events concerning the informant and Culver City police at the behest of his supervisor Sgt. Jose Duran. During both of his interviews with Internal Affairs, Dunn claimed that he printed the notes and gave them to Sgt. Duran. Duran told me in his second interview that he did not receive any notes from Dunn. Rather, he said that Dunn only orally reported to him as he put together an e-mail to report to his superiors. The e-mail, dated March 30, 2007 at 1223 hours still exists, and was turned over to Dunn as part of the *Skelly* process. I attempted to have Dunn's purported notes retrieved from the computer on which he says he typed them up. However, no such document could be located on it. In Dunn's second interview, he stated he might have deleted the document instead of saving it.

3. On or about June 23, 2010, I searched internal affairs records for any complaint by Christopher Dunn. I was specifically looking for any complaints by Dunn that any officer had made improper racial statements. I was not able to find any internal affairs complaint filed by Christopher Dunn on any topic. That same day I also inquired with the Management Services Department about any such complaints from Christopher Dunn. At my request, Management Services searched for any race related complaints filed by plaintiff Christopher Dunn. No complaints were found from Christopher Dunn.

4. I was made aware by counsel that Dunn has asserted that some department files with which he was associated were stolen from the Narcotics office after he was placed on administrative leave. I was further informed by counsel that, according to Dunn's deposition

1 testimony, one of these cases involved weapons charges against a William Bonnell. I am
2 informed and believe that case files related to Dunn's informant, GD, were missing and later
3 found, apparently misfiled, in the Narcotics office. In response to a request from counsel on this
4 case, I sought to locate those files this week to determine if they were in fact stolen. I was able to
5 locate the informant book kept by Narcotics detectives in 2007, and on June 23, 2010, I
6 personally confirmed that it contained entries related to GD. On June 24, 2010, I also located and
7 personally reviewed the case files of GD's arrest and the cases on which she provided
8 information. One of these cases was against a defendant named William Bonnell, against whom
9 weapons charges had been brought. To my knowledge, Dunn never complained about missing
10 files during his internal affairs investigation.

11 5. Lt. Rosoff was my supervisor in Internal Affairs when the investigation began on
12 or about March 30, 2007. He participated with me in the interview of the informant, GD, and in
13 gathering documents in the early stages of the case. On or about April 18, 2007, after I
14 interviewed Nancy Mercado, the Internal Affairs investigation was suspended while the matter
15 was referred to the Los Angeles County Sheriff's Department for investigation of possible
16 criminal conduct by Dunn. By the time the internal affairs investigation resumed in or about
17 November 2007, Lt. Rosoff had moved to a different assignment in Patrol Division and no longer
18 supervised IA investigations. He did not further participate in this investigation.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed this 24th day of June, 2010, at Burbank, California.

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25 Gerardo Misquez
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